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OLC 71-0657

8 July 1971

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Mr. Samuel Goldberg, Legislative
Assistant to Senator Charles McC. Mathias (R., Md.)

1. At his request I met with Mr. Goldberg today to talk informally about the ramifications of Senator Cooper's bill (S. 2224) to amend the National Security Act to require the Agency to keep the Congress informed regarding intelligence information collected by the Agency as well as the Agency's analysis of this information. Senator Mathias supported the bill which Senator Cooper introduced on 7 July. Senators Symington, Fulbright, and Javits also expressed their support of the bill. I made it clear to Goldberg at the outset that in discussing the bill and the debate on it on the Senate floor, I was expressing purely personal opinions and not any official CIA position.

2. I told Mr. Goldberg that I was concerned that this legislation would erode the effectiveness and objectivity of the Agency's reporting as it would result inevitably in disclosures of our most sensitive information by some of the many persons who would become privy to it. As our discussion continued for about an hour, the following points emerged:

a. Contrary to statements which were made in the discussion in the Senate, the Senate Foreign Relations Committee is given detailed area intelligence briefings by the Director of Central Intelligence. (I indicated that recently the Director has gone much farther than this, but our Directors have always

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briefed the Foreign Relations Committee and other congressional committees on intelligence information which is of interest to them in carrying out their responsibilities. Specifically, we brief the Foreign Relations Committee on intelligence information having to do with Foreign policy matters. We brief the Armed Services Committees on matters pertaining to foreign military forces and military weapons systems as well as information on the apparent policies of the various governments and their leaders in the foreign policy field. We brief the Joint Committee on Atomic Energy on foreign nuclear energy programs and weapons systems which might be associated with the use of nuclear warheads. We brief the Science and Space Committees on foreign space programs and scientific advances and keep other committees informed to a lesser degree on matters within their areas of interest.)

b. I pointed out that if the Congress was to function on a committee system, members should rely on the judgment and integrity of their colleagues who serve on the various committees on matters within their committee jurisdiction. It also should be the responsibility of those congressional committees to keep other members of the Congress informed (through whatever means appropriate) on matters within their jurisdiction.

c. We discussed the feasibility of Administration briefings of both the leadership of the Congress and of the members individually and in groups. I mentioned that in the past the Director has participated as an intelligence briefer in these White House congressional briefing sessions.

d. I pointed out the tremendous security problem that would be posed by the dissemination of intelligence information and analyses to members of the Congress and members of their personal staffs. At a bare minimum this would mean that 535 members and at least 535 personal staff members would have access to finished intelligence. Drawing on a comment made by Allen Dulles some years ago, I said that a secret shared by over a thousand people wouldn't remain a secret very long.

e. We discussed the fact that the very objectivity in which the Agency is presently held in high regard could well be sacrificed by pressure from individual members who might attempt to influence the Agency to produce conclusions which would favor the particular position of any given member. I cited as an example the current Middle East situation on which feelings run very high.

3. Mr. Goldberg acknowledged that some of these points could be troublesome but his general feeling was that they were not as serious as we in the Agency might believe. He feels that White House briefings could go a long way toward eliminating the problem and acknowledged that the dissemination of written documentation would create problems. He suggested that the dissemination of information to individuals could be handled by oral briefings rather than by the use of written material. I said this would put a tremendous burden on the Agency's facilities if we were to try to keep 535 members and their staff personally briefed.

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4. We naturally reached no solution to this problem, but Mr. Goldberg said he appreciated my taking the time to discuss the situation with him and felt that it had been helpful. He said he was anxious to come up with a reasonable position on this subject which he could present to the Senator and still seemed to feel that this could be accomplished through personal oral Agency briefings. I told him I was sympathetic to the fact that most members presently must rely on the news media for all their information, but I felt there were other solutions which would not entail the security problems which I felt were inherent in the Cooper proposal.

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Assistant Legislative Counsel

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